



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Introduce Ordinance Amending Title 2, "Administration and Personnel" of the Lodi Municipal Code by adding Chapters 2.13 and 2.14 Relating to the City Clerk and City Attorney

MEETING DATE: June 15, 2005

PREPARED BY: D. Stephen Schwabauer, City Attorney

RECOMMENDED ACTION: Introduce Ordinance Amending Title 2, "Administration and Personnel" of the Lodi Municipal Code by adding Chapters 2.13 and 2.14 Relating to the City Clerk and City Attorney.

BACKGROUND INFORMATION: The Ordinance revisions are proposed jointly by the City Manager, City Attorney and City Clerk to clarify that the City Attorney and City Clerk are expected to report their advice, requests and recommendations directly to the City Council, rather than through the City Manager.

FUNDING: N/A

FISCAL IMPACT: None

A handwritten signature in black ink, appearing to read "D. Schwabauer", written over a horizontal line.

D. Stephen Schwabauer
City Attorney

APPROVED: A handwritten signature in black ink, appearing to read "Blair King", written over a horizontal line.
Blair King, City Manager

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING TITLE 2, "ADMINISTRATION AND PERSONNEL" OF
THE LODI MUNICIPAL CODE BY ADDING CHAPTERS 2.13 AND
2.14 RELATING TO THE CITY CLERK AND CITY ATTORNEY

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Title 2, "Administration and Personnel" of the Lodi Municipal Code is hereby amended by adding thereto Chapter 2.13 relating to the City Clerk and shall read as follows:

CHAPTER 2.13 - CITY CLERK

The City Clerk shall be appointed by the City Council. The City Council shall prescribe the qualifications, additional duties and compensation of the City Clerk. The City Clerk shall report his or her advice, recommendations and requests directly to the City Council. The City Clerk is the custodian of the city seal, and shall perform the functions and duties of the City Clerk as specified in California Government Code §40801 et seq. and other state and local statutes.

SECTION 2. Title 2, "Administration and Personnel" of the Lodi Municipal Code is hereby amended by adding thereto Chapter 2.14 relating to the City Attorney and shall read as follows:

CHAPTER 2.14 - CITY ATTORNEY

The City Attorney shall be appointed by the City Council and shall serve as legal counsel to the City government and all officers, departments, boards, commissions and agencies thereof and shall have such other powers and duties as may be prescribed by state law and by ordinance or resolution of the City Council. In situations where the City Attorney determines there is a conflict in representation by that office, the City Council may authorize the retention of other legal counsel to represent one of the conflicting parties. The City Attorney shall report his or her advice, recommendations and requests directly to the City Council.

SECTION 3 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect thirty days from and after its passage and approval.

Approved this ____ day of _____, 2005.

JOHN BECKMAN
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held June 15, 2005, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2005, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney